

COPY OF TRANSCRIPT

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

CYNTHIA ELLISON,

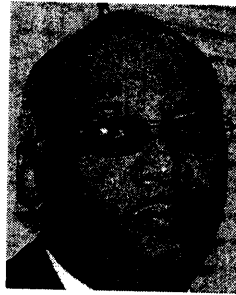
Plaintiff,

vs.

Civil Action No:
2:05CV902-MHT-DRB

AUBURN UNIVERSITY
MONTGOMERY,

Defendant.



DEPOSITION OF

KEITH ELLISON

June 14, 2006
1:13 p.m.

Auburn University
Human Resources Building
7430 East Drive
Montgomery, Alabama

Bonnie L. Smith, RPR, CCR-B-2432

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EXHIBIT

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APPEARANCES OF COUNSEL

On behalf of the Plaintiff:

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On behalf of the Defendant:

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ALSO PRESENT: Cynthia Ellison, Plaintiff
Debra Foster, HR Director



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Deposition of Keith Ellison

June 14, 2006

MR. DODD: This is the deposition of
Reverend Keith Ellison taken by notice
and subpoena pursuant to Rules 30 and 45
of the Federal Rules of Civil Procedure.

KEITH ELLISON, having first been duly
sworn, was examined and testified as follows:

EXAMINATION

BY-MR.DODD:

Q. Reverend Ellison, I'm Burton Dodd.
I represent AUM, Auburn University Montgomery,
in the lawsuit that Cynthia Ellison has filed
against the university.

You were identified in some court
papers that she -- that the judge ordered her
to file early in the case and that's why I
need to take your deposition.

A. Okay.

Q. You were identified as a potential
witness for her. If you don't understand a
question that I ask you, will you let me know
so that I can rephrase it? And if you don't



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1 A. Yes.

2 Q. And that's what I want to ask you
3 about.

4 A. Okay.

5 Q. Do you remember the first time that
6 Cynthia Ellison discussed with you any
7 difficulties that she was having at work at
8 AUM?

9 A. Yes. I do.

10 Q. When was that?

11 A. It's been a while. I can't remember
12 the exact time. It's been --

13 Q. Let's say, was it -- can we narrow
14 it down by year?

15 A. Yes.

16 Q. 2005? 2004? Before that?

17 A. Something like that, 2005 maybe.

18 Q. Okay. Do you recall when
19 Ms. Ellison retired from AUM?

20 A. It was -- I think it was last year,
21 I believe.

22 Q. 2005?

23 A. Uh-huh.

24 Q. Okay. Do you remember whether it
25 was at the beginning of the year or the end of

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1 Q. Okay. What -- do you recall what
2 she said about Dr. Mahaffy?

3 A. She was afraid of him.

4 Q. Did she say why?

5 A. Because -- this is what she told me.
6 He would come into her office at odd times and
7 even one case before she got to work one
8 morning he was sitting in the office in the
9 dark. Something about a black bag he carried
10 or something like that. And it frightened her
11 very -- a lot that day. And it seems like I
12 remember something about his refusal to submit
13 to black leadership authority.

14 Q. You're talking about Mahaffy?

15 A. The one that carried the bag.

16 Q. Yeah.

17 A. Yeah, Mahaffy then.

18 Q. Did she elaborate at all on that
19 circumstance, why he wouldn't submit to the --
20 to, I guess, the new leadership in the school?

21 A. It may have been reference to the
22 position that was open that he thought he
23 should have had.

24 Q. Did Ms. Ellison suggest to you that
25 Mahaffy blamed her or at least in part for not



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1 mind. And then usually after church is when
2 we have time to sit down and talk.

3 Q. Right.

4 A. A lot of times we eat dinner
5 together.

6 Q. What did she say about Bayo Lawal?

7 A. That's who I was calling Mayo;
8 right?

9 Q. I'm sorry?

10 A. That's who I called Mayo; right?

11 Q. Yes.

12 A. Bayo. He wanted her to be more like
13 a slave. I think he's of a Nigerian -- native
14 of Nigeria or something. And he treated her
15 more like a slave, get my coffee, get my
16 doughnuts, do what I say, don't ask me
17 questions, don't ask me why, just do what I
18 say to do.

19 Q. Now, is that the characterization
20 that Cynthia Ellison created or is that your
21 assessment based on the facts as she gave them
22 to you?

23 A. That's pretty much accurate what she
24 said.

25 Q. Did she suggest that was because



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1 would have those discussions with her?

2 A. I feel like it was.

3 Q. Did she give you any reason to think
4 that you ought to send her to a physician or a
5 psychologist or any sort of medical provider?

6 A. That's beyond my ability to
7 determine that.

8 Q. Other than what she told you, did
9 you observe any physical symptoms of
10 discomfort or nervousness or unhappiness --

11 A. Yes.

12 Q. -- on her part?

13 A. Yes. It's easy to tell.

14 Q. How do you tell?

15 A. She's -- whatever is bothering her,
16 it consumes her. And she sometimes can be
17 distracted from some of the things that she
18 does. On maybe two occasions -- and one of
19 those being recently -- she forgot to pay the
20 musicians. And this is during the time of the
21 past two or three weeks I believe. And it's
22 little things like that, you know. Nothing
23 major, but something that she wouldn't do when
24 she was focussed. She's a very focussed
25 individual. But when there's a distraction,



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1 A. Yeah. But you could tell a
2 difference.

3 Q. Okay. How do you tell the
4 difference?

5 A. Because when -- well, I don't know
6 if you know about pastoring, but when a person
7 is grieving, it's a different expression of
8 grief. It's more of a -- dealing with the
9 heart and the emotions in a different way than
10 when they are really upset about something
11 they can't remain focussed because of another
12 outside problem. It's easy to -- to me, now,
13 it's easy to distinguish those two types of
14 emotion.

15 Q. Now, did Cynthia Ellison -- was
16 Cynthia Ellison exhibiting both of those types
17 of emotions during the times when her -- when
18 she had her family tragedies?

19 A. I can't say because when she was
20 grieving because of her parents, that's what I
21 attended to. That is being grieving because
22 of her parents.

23 Q. Does she also speak to you about any
24 physical ailments she had?

25 A. Yes. We talk about that sometimes.



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1 experienced because of work at AUM?

2 A. No, I don't know about that. It's
3 beyond my scope.

4 Q. Okay. Did you ever -- did you ever
5 speak with Cynthia Ellison other than after
6 church on Sundays --

7 A. Oh, yeah.

8 Q. -- about these issues?

9 A. We would call and then I would call
10 back and do a follow-up when she came back
11 like that Monday to work and do a follow-up
12 then by phone.

13 Q. Would you say she's -- with respect
14 to the symptoms that you detected, would you
15 say she's better off now than she was in 2004
16 and 2005?

17 A. I don't know. I don't know.

18 Q. Did she ever tell you that she
19 thought she needed to seek medical
20 professional assistance because of the
21 problems she was experiencing at AUM?

22 A. Physical emotional?

23 Q. Yeah.

24 A. No. She was already seeing the
25 doctor for the physical.

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1 Q. Did she tell you why she felt she
2 needed to retire when she did?

3 A. Yes. Because of the situation with
4 Bayo and Dr. --

5 Q. Mahaffy?

6 A. -- Mahaffy.

7 Q. Okay. Did she elaborate at all on
8 that?

9 A. That's when I found out most of what
10 was going on during this time.

11 Q. About the time of her retirement?

12 A. Yes.

13 Q. Okay.

14 A. More detail.

15 Q. You're not related to her, are you?

16 A. Not by blood.

17 Q. By marriage?

18 A. She was married to my brother years
19 ago.

20 Q. Okay. Okay.

21 A. And they were divorced. So she
22 stopped being a sister-in-law and became a
23 sister.

24 Q. I gotcha. I gotcha. Okay. I don't
25 believe I have any further questions for you.

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STATE OF GEORGIA:

COUNTY OF FULTON:

I hereby certify that the foregoing transcript was reported, as stated in the caption, and the questions and answers thereto were reduced to typewriting under my direction; that the foregoing pages represent a true, complete, and correct transcript of the evidence given upon said hearing, and I further certify that I am not of kin or counsel to the parties in the case; am not in the employ of counsel for any of said parties; nor am I in any way interested in the result of said case.



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CAPTION

The Deposition of KEITH ELLISON, taken
in the matter, on the date, and at the time and
place set out on the title page hereof.

It was requested that the deposition be taken
by the reporter and that same be reduced to
typewritten form.

It was agreed by and between counsel and the
parties that the Deponent will read and sign the
transcript of said deposition.

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